

# HOUSE . . . . . No. 609

---

## The Commonwealth of Massachusetts

PRESENTED BY:  
**Kevin J. Murphy**

---

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General  
Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:  
An Act prohibiting certain dumping in the city of Lowell.

---

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kevin J. Murphy	18th Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT PROHIBITING CERTAIN DUMPING IN THE CITY OF LOWELL.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. There shall be a pilot program in the City of Lowell to determine the effectiveness  
2 of permitting Cities to establish their own fines and other penalties for illegal dumping within the City  
3 limits and of further permitting cities to retain the revenues generated by such fines for the purpose of  
4 financing enforcement against illegal dumping.

5           SECTION 2. Notwithstanding any general or special law, rule or regulation to the contrary, it  
6 shall be unlawful for any person in the City of Lowell, directly or indirectly, to dump, place, throw,  
7 deposit or discharge any refuse, rubbish, garbage, household goods, appliances or furniture, construction  
8 debris, landscaping debris, scrap, trash, or other material of any kind, on any way, public or private,  
9 appearing on the official map of the City of Lowell, or within 20 yards thereof, or on any land owned or  
10 controlled by the City.

11           SECTION 3. Notwithstanding any general of special law, rule or regulation to the contrary, it  
12 shall be unlawful for any person owning, in whole or in part, directly or indirectly, any real property,  
13 including ownership of any right to pass and repass on a private way in the City, upon which any refuse,  
14 rubbish, garbage, household goods, appliances or furniture, construction debris, landscaping debris, scrap,  
15 trash or other material of any kind has been dumped, placed, thrown, deposited or discharged, to fail to  
16 remove such material within 7 calendar days of receipt of a written notice from any police officer, code  
17 inspector or such other officer or employee of the City of Lowell duly authorized by ordinance or order of  
18 the City Manager to remove and lawfully dispose of such material.

19           SECTION 4. The City of Lowell may enforce section 2 by prosecuting criminal or civil actions  
20 in the housing court, superior court or the district court of Middlesex County, and may enforce section 3  
21 by prosecuting civil actions in the same courts. No action commenced as a criminal action shall be  
22 converted to a civil enforcement action except with the consent of the City.

23           SECTION 5. Any person convicted of violating section 2 shall be punished by a fine of not less  
24 than \$5,000 nor more than \$10,000, or by imprisonment in the house of correction for not more than 7  
25 days, or by both such fine and such imprisonment.

26           SECTION 6. After two years have passed from the passage of this Act, the Lowell City Council  
27 shall have the authority to change or modify the fines and penalties specified within the Act by majority  
28 vote after public hearing

29           SECTION 7. Any person found responsible in a civil action of violating sections 2 or 3 of this  
30 act shall be required to pay a civil penalty of 3 times the amount, up to a maximum of \$5,000, estimated  
31 or actually paid by the City to remove such material from the property. The court may also issue other  
32 orders and injunctions to remedy the circumstances of each case.

33           SECTION 8. All fines and penalties imposed for violations of this act shall be paid to the City of  
34 Lowell and shall be deposited in the General Fund.

35           SECTION 9. This act shall take effect upon its passage.